

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. R-7.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

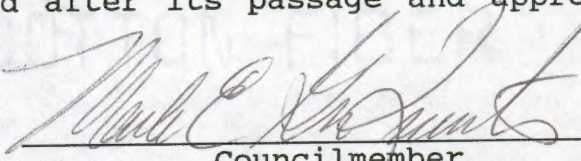
SECTION 1. That the area described as follows is hereby  
designated an M-3 (Heavy Industrial) District under the terms  
of Chapter 33 of the Code of the City of Fort Wayne, Indiana  
of 1974:

A part of the Northwest Quarter of Section 17, in  
Township 30 North, Range 13 East, in Allen County,  
Indiana, being more particularly described as follows:

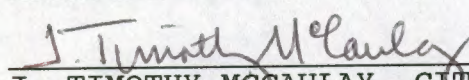
Beginning at the Southeast corner of said Northwest  
Quarter of Section 17; thence North 89 degrees 05 minutes  
13 seconds West, along the South line of said Northwest  
Quarter, a distance of 1,411.50 feet; thence North 00  
degrees 52 minutes 47 seconds East, a distance of  
1,262.54 feet (recorded 1,261.7 feet) to an iron pin on  
the Southwesterly right-of-way of the Conrail Railroad,  
formerly known as the Pennsylvania Railroad, said right-  
of-way being 300 feet by perpendicular distance  
Southwesterly of the centerline of the East bound track;  
thence South 61 degrees 45 minutes 22 seconds East along  
said Southwesterly right-of-way, a distance of 1,617.93  
feet to an iron pin on the East line of said Northwest  
Quarter; thence South 00 degrees 22 minutes 16 seconds  
West along said East line of the Northwest Quarter, a  
distance of 519.73 feet to the point of beginning,  
containing 29.422 acres, subject to road rights-of-way  
and easements, EXCEPTING therefrom the South 325.0 feet,  
containing 10.744 acres.

and the symbols of the City of Fort Wayne Zoning Map No. R-7,  
as established by Section 11 of Chapter 33 of the Code of the  
City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage and approval by the  
Mayor.

  
Councilmember

APPROVED AS TO FORM AND LEGALITY:

  
J. TIMOTHY MCCAULAY, CITY ATTORNEY



Read the first time in full and on motion by Edmonds,  
and duly adopted, read the second time by title and referred to the  
Committee on Regulations (and the City Plan Commission  
for recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council Council Conference Room 128, City-County Building, Fort  
Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock  
\_\_\_\_\_, M., E.S.T.

DATED: 9-22-92

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Edmonds,  
and duly adopted, placed on its passage. PASSED ~~LOST~~  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 11-24-92

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 2-12-92  
on the 24th day of November, 1992

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Thomas E. Henry  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 25th day of November, 1992,  
at the hour of 3:00 o'clock P., M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 27th day of November,  
1992, at the hour of 5:00 o'clock P M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR

# RECEIPT

No 10933

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND.,

8/20 1992

RECEIVED FROM

Midwest Pipe & Steel \$ 325.00

THE SUM OF

three hundred twenty-five & 00/100

DOLLARS

ON ACCOUNT OF

regions M-2 to M-3

Oxford S.

32211

Pat B

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE



PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

I/We

Jerome Francis Henry, Jr.

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an M-2 District to a/an M-3 District the property described as follows:

See enclosure

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

3515 Moeller Road

3700 Moeller Rd.

Jerome F. Henry, Jr.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Jerome F. Henry, Jr.  
(Name)

P.O. Box 11572  
(Address) Zip 46859

Jerome F. Henry, Jr.  
(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

Jerome Francis Henry, Sr. 1801 Howell St.

(Name)

(Address & Zip Code)

422-3093

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

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Owners of Property

<u>Jerome F. Henry, Jr.</u>	<u>P.O. Box 11572</u> <u>ZIP 46859</u>	<u>Jerome F. Henry Jr.</u>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE  
This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST  
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING  
FROM BEING HELD.



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## CERTIFICATE OF SURVEY

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OFFICE OF:

### DONOVAN ENGINEERING

JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA  
FRANCIS X. MUELLER P.L.S. No. S0193 INDIANA  
GREGORY L. ROBERTS P.L.S. No. S0548 INDIANA  
FORT WAYNE, INDIANA

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The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: A part of the Northwest Quarter of Section 17, in Township 30 North, Range 13 East, in Allen County, Indiana, being more particularly described as follows:

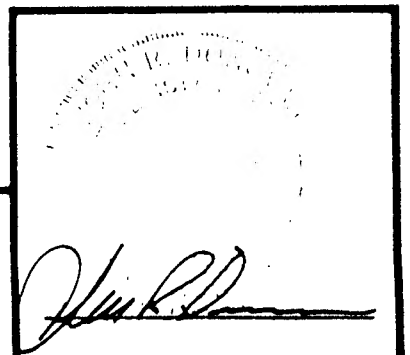
Beginning at the Southeast corner of said Northwest Quarter of Section 17; thence North 89 degrees 05 minutes 13 seconds West, along the South line of said Northwest Quarter, a distance of 1,441.50 feet; thence North 00 degrees 52 minutes 47 seconds East, a distance of 1,262.54 feet (recorded 1,261.7 feet) to an iron pin on the Southwesterly right-of-way line of the Conrail Railroad, formerly known as the Pennsylvania Railroad, said right-of-way being 300 feet by perpendicular distance Southwesterly of the centerline of the East bound track; thence South 61 degrees 45 minutes 22 seconds East along said Southwesterly right-of-way, a distance of 1,617.93 feet to an iron pin on the East line of said Northwest Quarter; thence South 00 degrees 22 minutes 16 seconds West along said East line of the Northwest Quarter, a distance of 519.73 feet to the point of beginning, containing 29.422 acres, subject to road rights-of-way and easements, EXCEPTING therefrom the South 325.0 feet, containing 10.744 acres.

The above described real estate contains 18.678 net acres.

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JOB FOR: ITT CORPORATION -  
HENRY

S-21-90  
REV. S-31-90  
REV. 8-27-92



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on September 22, 1992 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-92-09-20; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on October 19, 1992.

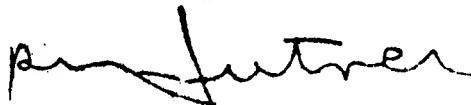
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held October 26, 1992.

Certified and signed this  
27th day of October 1992.



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Robert Hutner  
Secretary



# THE CITY OF FORT WAYNE



Paul Helmke  
Mayor

October 27, 1992

## COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-92-09-20

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
27th day of October 1992.

Robert Hutner  
Secretary

/pb

CC: File



- a. Bill No. Z-92-09-20 - Change of Zone #525  
From M-2 to M-3  
3515 Moeller Rd

Jerome Henry, Sr., 1801 Howell St, appeared before the Commission representing his son Jerome Henry, Jr., the petitioner and property owner. Mr. Henry stated that they deferred this from the public hearing in September in order to give them time to acquire more information for the Commission. He stated that at the request of the Commission they sent notices to the people in the area and they had a meeting to which they invited all of the neighbors. He stated that they had an excellent meeting. He stated that the concern of the neighborhood was the traditional concerns of noise, pollutes to the environment and traffic. He stated he felt that most of the concerns were dealt with to their satisfaction. He stated that he has not heard from anyone in the area since that evening. Mr. Henry stated that the property is currently vacant land consisting of about 30 acres. He stated that it is essentially rural in nature and they are proposing to construct an industrial project.

Fred Ernest from West Pointe, Virginia, representing the people who are in the process and trying to put together this project, appeared before the Commission. Mr. Ernest stated that from their standpoint as project developers it does them very little good at this stage to have any significant publicity. He stated that he hoped the Commission would accept general comments about what they are doing and not specific ones. He stated that the proposed business is one that relates to the pulp and paper industry. He stated that the people involved in the project, along with himself, have had very substantial experience in this business. He stated that all of them have spent their lifetimes in the business. He stated they understand the environmental issues that are involved and fully expect to live up to all of the requirements that are involved. He stated that they had a meeting with the neighborhood people that are adjacent to the property and he felt that the most important thing they told them was that they fully intend to be a good neighbor. He stated that this is an industrial site, so clearly there will be traffic, there will be a certain level of noise from the business activity, but those are all things that will be well within the parameters of what is an acceptable level. He stated that this will be a seven (7) day a week, 24 hours a day business, it is a continuous process. He stated that the entrance to the property will be at the east end of the site. He stated truck traffic will not be required to go past the residential area along Moeller Road. He stated that this is a recycling process, they use recycled fiber as the basis for their operations.

Charlene Hall, 7716 So Hanna St, stated that she was interested in the statement from Mr. Ernest that he did not want people to know about the project. She wanted to know why he was unwilling to give them information

Dave Arnold, 1730 Woodland Lake Pass, Vice-President of Economic

Development for the Chamber of Commerce appeared before the Commission. Mr. Arnold stated that the Chamber has been working with this project for approximately one year and he stated he would personally affirm the character of the people involved with the project. He stated that he was speaking in support of this project not only personally but also for the Chamber of Commerce. He stated that the project represents a very good economic development opportunity for this community and the Chamber looks forward to seeing this go forward.

Mr. Ernest stated that in terms of addressing issues of the environment and as to how they will meet the various requirements, that they have had extensive discussions with all the different people involved. He stated that there are no secrets at a technical level, none whatsoever. He stated that for competitive reasons they would just as soon not be exposed.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.



**FACT SHEET**

Z-92-09-20

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE**

Zoning Map Amendment

**APPROVAL DEADLINE****REASON**

From M-2 to M-3

**DETAILS****Specific Location and/or Address**

3515 Moeller Rd

**Reason for Project**Manufacturing facility with  
outside storage.**Discussion (Including relationship to other Council actions)**October 19, 1992 - Public Hearing

See Attached Minutes of Meeting

October 26, 1992 - Business MeetingMotion was made and seconded to  
return the ordinance to the Common  
Council with a DO PASS recommendation.Of the seven (7) members present, six (6)  
voted in favor of the motion, one (1)  
did not vote.

Motion carried.

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents****Applicant(s)**Jerome Henry, Jr.  
City Department

Other

**Opponents****Groups or Individuals**

Basis of Opposition

**Staff  
Recommendation**☒ For ☐ Against

Reason Against

**Board or  
Commission  
Recommendation****By**☒ For ☐ Against  
☐ No Action Taken☐ For with revisions to conditions  
(See Details column for conditions)**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**☐ Pass ☐ Other  
☐ Pass (as  
amended) ☐ Hold  
☐ Council Sub. ☐ Do not pass

# DETAILS

## POLICY/ PROGRAM IMPACT

Policy or  
Program  
Change

☐

No

☐

Yes

Operational  
Impact  
Assessment

(This space for further discussion)

Project Start

Date August 20, 1992

Projected Completion or Occupancy

Date October 27, 1992

Fact Sheet Prepared by  
Patricia Biancaniello

Date October 27, 1992

Reviewed by

Date

OCTOBER 27, 1992

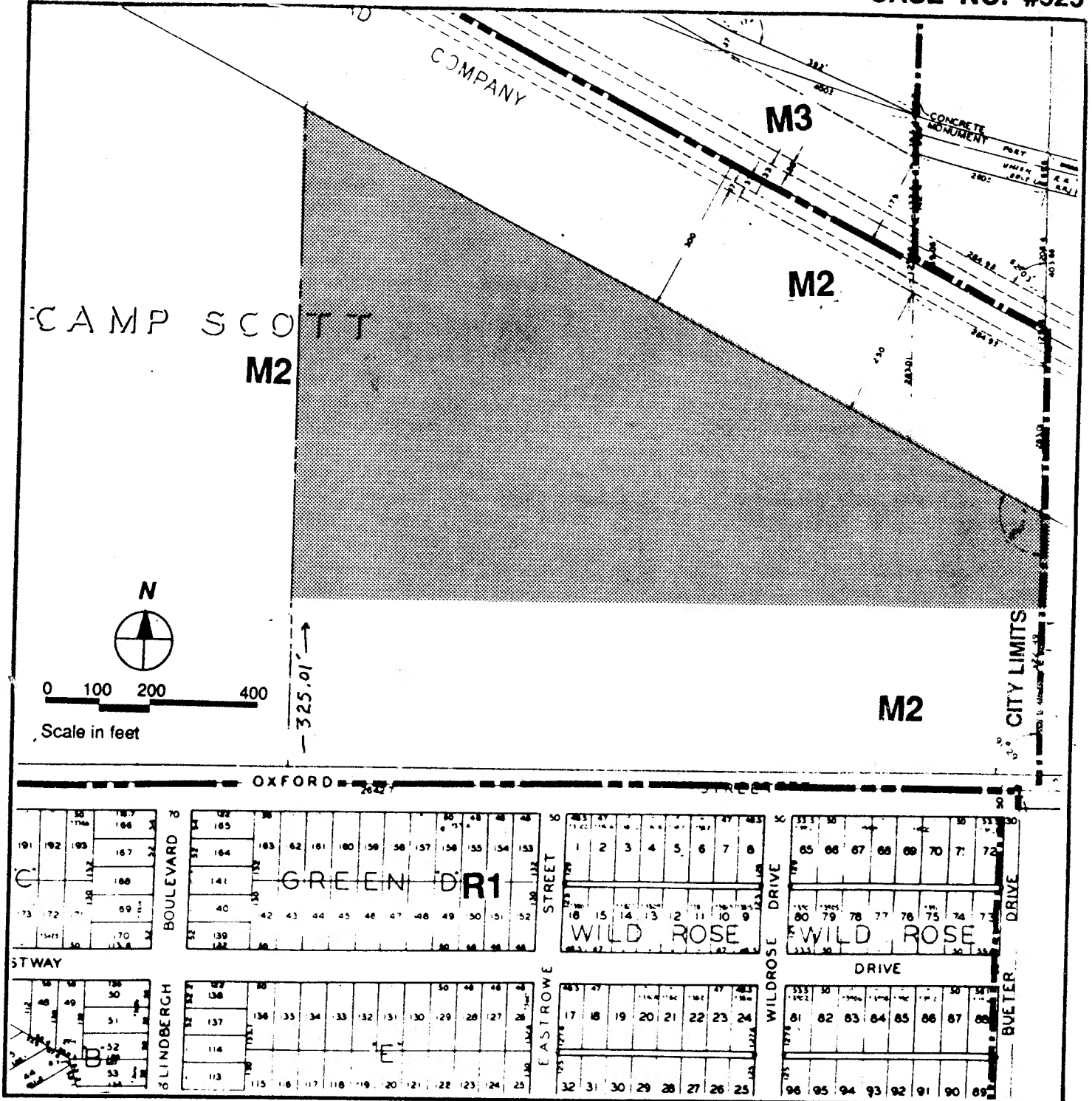
Reference or Case Number



# REZONING PETITION

## AREA MAP

CASE NO. #525



COUNCILMANIC DISTRICT NO. 6

Map No. R-7  
LW 8-24-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

#525

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 3515 Moeller Road

2-92-09-20

EFFECT OF PASSAGE Property is currently zoned M-2 - General  
Industrial. Property will become M-3 - Heavy Industrial.

EFFECT OF NON-PASSAGE Property will remain M-2 - General  
Industrial.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE)



BILL NO. 7-92-09-20

REPORT OF THE COMMITTEE ON  
REGULATIONS

CLETUS R. EDMONDS, CHAIR  
MARK E. GIAQUINTA, VICE CHAIR  
RAVINE, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) ~~XXXXXXXXXX~~ (RESOLUTION) amending the City of  
Fort Wayne Zoning Map No. R-7

HAVE HAD SAID (ORDINANCE) ~~XXXXXXXXXX~~ (RESOLUTION) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) ~~XXXXXXXXXX~~ (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*[Handwritten signature: Cletus R. Edmonds]*  
*[Handwritten signature: Mark E. Giaquinta]*  
*[Handwritten signature: Ravine Schmidt]*

DATED: 11-24-92

Sandra E. Kennedy  
City Clerk